

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

G. TED LATHAM

COMPLAINANT

VS.

KENTUCKY-AMERICAN WATER COMPANY

DEFENDANT

CASE NO. 92-214

O R D E R

On May 12, 1992, G. Ted Latham filed a complaint against the Kentucky-American Water Company ("Kentucky-American"). Kentucky-American filed its answer on May 28, 1992. On August 4, 1992, the Commission issued an Order advising the parties that the case would stand submitted unless a hearing was requested within 20 days. No response was received from the parties.

Mr. Latham's complaint concerns a bill in the amount of \$185.72 for water service to a home located at 1078 Redwood Drive in Lexington, Kentucky. Mr. Latham, a real estate broker selling the home, claims that the house was vacant and for sale from December 10, 1991 to January 28, 1992 during which the water service was turned on; and thus, bill charges by Kentucky-American for that period do not represent the actual usage of water at the house. He requests as his relief that the bill be adjusted to reflect the average usage for the prior two years during the same 50-day period, instead of using the actual meter readings, and that

he be refunded the difference between the actual bill and the averaged bill since he has paid the actual bill.

In its answer Kentucky-American avers that the bill was accurate because the meter was tested and found to be accurate; and accordingly, there exists no reason to adjust the bill.

In response to an information request by the Commission, Kentucky-American states that on October 29, 1991, Jacqueline Henderson contacted Kentucky-American to have the water service turned on. Kentucky-American adds that Ms. Henderson was a prospective renter who wanted the water turned on so the house could be inspected; that she did not move into the residence because it did not pass the inspection for Section 8 housing; and that service was discontinued on November 4, 1991.

Mr. Latham states that subsequent to receiving an offer to purchase the house, he requested water service to be initiated on December 9, 1991 so an inspection could take place. Kentucky-American turned on the water, but did not leave it on because, as Kentucky-American alleges, the service person believed there was an open tap in the house.¹ Mr. Latham contends that on the same day he made a trip to the house and turned off all the faucets. On

¹ Kentucky-American states that its practice is to only allow enough water to run which reasonably could be expected to fill lines and flush tanks. If, after a period of time considered reasonable by the service person, the water does not stop running, the valve is shut off to avoid any possible damage to the premises. A doorknob notice is left for the customer explaining why the water was not left on.

December 10, 1991, Kentucky-American checked for leaks, and finding none, turned the water on again and left it on.

According to the information filed by Kentucky-American, the meter which serves 1078 Redwood Drive was tested on February 17, 1992 and found to be functioning properly. Additionally, because the meter is a dual setting, Kentucky-American verified that the meter serves 1078 Redwood Drive.

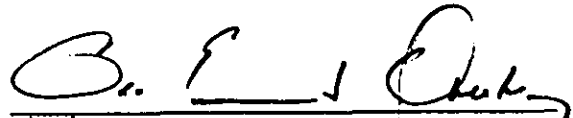
While the amount of the bill may be high, the meter serving 1078 Redwood Drive was tested and found to be functioning properly. Therefore, the high water usage reflected by the bill appears to have been caused by other factors. 807 KAR 5:066, Section 13(b), provides it is the customer's responsibility "to keep the service line in good repair and in accordance with such reasonable requirements of the utility as may be incorporated in its rules and regulations." Accordingly, a customer is responsible for water usage from any leaks which develop in the line from a customer's meter to the residence.

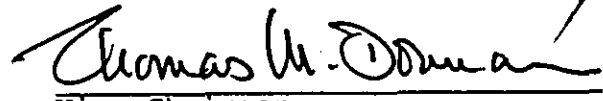
No evidence has been presented which refutes the accuracy of the meter serving 1078 Redwood Drive. The meter was functioning properly when tested; and, therefore, no basis to adjust Mr. Latham's bill has been established.

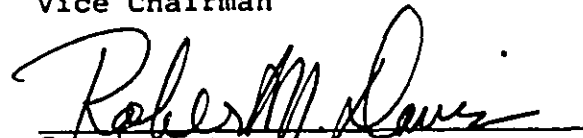
IT IS THEREFORE ORDERED that Mr. Latham's complaint against Kentucky-American is hereby dismissed with prejudice.

Done at Frankfort, Kentucky this 21st day of September, 1992.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director